

Agricultural Marketing Service, USDA

§ 1044.22

from other fluid milk plants or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the fluid milk plant) which are reprocessed or converted to another product in the fluid milk plant during the month.

[28 FR 4751, May 11, 1963]

§ 1044.17 Cooperative association.

Cooperative association means any cooperative marketing association of producers, as defined in § 1044.11, which the Secretary determines after application by the association is qualified under provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

[28 FR 4751, May 11, 1963]

§ 1044.18 Fluid cream product.

Fluid cream product means cream (other than plastic cream or frozen cream), including sterilized cream, or a mixture of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

[58 FR 27832, May 11, 1993]

§ 1044.19 Filled milk.

Filled milk means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

[34 FR 18649, Nov. 22, 1969]

§ 1044.20 [Reserved]

§ 1044.21 Commercial food processing establishment.

Commercial food processing establishment means any facility other than a milk or filled milk plant, to which bulk fluid milk products and bulk fluid cream products are disposed of, or producer milk is diverted, that uses such receipts as ingredients in food products and has no disposition of fluid milk products or fluid cream products other

than those received in consumer-type packages. Producer milk diverted to commercial food processing establishments shall be subject to the same provisions relating to diversions to plants, including but not limited to, provisions in §§ 1044.14, 1044.41 and 1044.53.

[58 FR 27832, May 11, 1993]

MARKET ADMINISTRATOR

§ 1044.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

(a)—(h) [Reserved]

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price and Class II price for the following month;

(ii) The butterfat differential for the preceding month;

(iii) The Class III and Class III-A prices for the preceding month; and

(2) The 12th day of each month the uniform price for the proceeding month;

(j) On or before the 8th day after each month of December through June, notify each handler of each person who has qualified as an associated producer at each of his fluid milk plants;

(k) On or before the 12th day after each month of December through June, notify each handler of the quantity and butterfat test of associated producer milk assigned to each of his fluid milk plants and the amount to be remitted to the market administrator pursuant to § 1044.70(d).

(l) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1044.43(e) and § 1044.44 on the basis of such report, (including any reclassification of inventories of bulk concentrated fluid milk products), and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

§ 1044.30

7 CFR Ch. X (1–1–99 Edition)

(m) Furnish to each handler operating a fluid milk plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

[27 FR 4050, Apr. 28, 1962, as amended at 28 FR 4751, May 11, 1963; 29 FR 10867, July 30, 1964; 36 FR 9850, May 29, 1971; 37 FR 2933, Feb. 10, 1972; 40 FR 6316, Feb. 11, 1975; 55 FR 53281, Dec. 28, 1990; 58 FR 27832, May 11, 1993; 58 FR 63288, Dec. 1, 1993; 60 FR 6609, Feb. 2, 1995]

REPORTS

§ 1044.30 Monthly reports of receipts and utilization.

On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler shall report to the market administrator for the preceding month in the detail and on forms prescribed by the market administrator as follows:

(a) Each handler for each fluid milk plant shall report:

(1) The quantities of butterfat and skim milk contained in or represented by:

- (i) Producer milk,
- (ii) Fluid milk products received from other fluid milk plants,
- (iii) Other source milk, and
- (iv) Inventories of fluid milk products on hand at the end of each month;

(2) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing in-area and outside area route disposition of filled milk; and

(3) Such other information with respect to sources and disposition as the market administrator may prescribe.

(b) Each handler specified in § 1044.10(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of milk from dairy farmers shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in

the marketing area as Class I milk on routes.

[29 FR 10867, July 30, 1964, as amended at 34 FR 18649, Nov. 22, 1969]

§ 1044.31 Associated producer reports.

Each associated producer, or a cooperative association on his behalf, shall submit in the manner prescribed by the market administrator:

(a) On or before the 5th day after each month of December through June, a statement of the quantity and butterfat test of his milk sold for manufacturing purposes in such month, and

(b) On or before the 15th day after each month of December through June, delivery receipts or other evidence verifying the quantity and butterfat test of his milk sold for manufacturing purposes in such month.

[28 FR 4751, May 11, 1963]

§ 1044.32 Payroll reports.

On or before the 20th day of each month each handler shall report his producer payroll for each fluid milk plant for the preceding month which shall show:

(a) The pounds of milk received from each producer and the percentage of butterfat contained therein;

(b) The date and net amount of payment to such producer or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

[28 FR 4751, May 11, 1963]

§ 1044.33 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) Each handler exempt pursuant to § 1044.81 or 1044.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

(c) Each handler pursuant to § 1044.10(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 5th day of each month the quantities of skim milk and